United Nations S/AC.51/2017/4

Security Council

Distr.: General
11 September 2017

Original: English

Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in the Philippines

1. At its 65th meeting, on 2 June 2017, the Working Group on Children and Armed Conflict examined the fourth report of the Secretary-General on children and armed conflict in the Philippines (S/2017/294), covering the period from 1 December 2012 to 31 December 2016, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of the Philippines to the United Nations also addressed the Working Group.

2. The members of the Working Group welcomed the report of the Secretary-General, submitted in accordance with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), and took note of the analysis and recommendations contained therein.

3. The members of the Working Group welcomed the steps taken by the Government to better protect children in armed conflict, including through the creation of the Inter-Agency Committee on Children in Armed Conflict and the monitoring, reporting and response system on children affected by armed conflict. They encouraged the Government to actively use those mechanisms to provide appropriate assistance and responses for all children affected by armed conflict and to ensure independent, prompt and thorough investigations into alleged violations against children so that perpetrators are held to account. The members acknowledged the important role of the Government of the Philippines in facilitating the implementation of the United Nations-Moro Islamic Liberation Front action plan and encouraged the Government to continue supporting engagement with other armed groups in view of ending and preventing violations and abuses against children. The members welcomed the continued engagement of the Moro Islamic Liberation Front to end and prevent the recruitment and use of children and commended the strong commitment of its leadership and regional commanders, which has led to significant progress towards the full implementation of the action plan. The members of the Working Group condemned all violations and abuses committed against children in the context of armed conflict in the Philippines, expressing particular concern regarding continued incidents involving recruitment and use, killing and maiming and attacks on schools and hospitals and called upon all parties to the armed conflict to respect their national and international legal obligations and put in place measures to end and prevent further violations.

17-12867 (E) 130917

Please recycle

4. Further to the meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), the Working Group agreed to the direct action set out below.

Public statement by the Chair of the Working Group

5. The Working Group agreed to address the following message to all parties to the armed conflict in the Philippines through a public statement by its Chair:

(a) Taking note of the general decrease in large-scale armed engagements during the reporting period and encouraged by the resumption of peace negotiations between the Government and armed groups in the Philippines, and urging the parties to include child protection issues in the agendas of the respective peace talks, with the support of the United Nations;

(b) Strongly condemning all violations and abuses committed against children in the Philippines, and urging all parties to the conflict to immediately end and prevent all violations of applicable international law involving the recruitment and use of children, abduction, killing and maiming, rape and other forms of sexual violence, and attacks on schools and hospitals and to comply with their obligations under international law;

(c) Calling upon the parties to further implement all previous conclusions of the Working Group on Children and Armed Conflict in the Philippines (S/AC.51/2008/10, S/AC.51/2010/5 and S/AC.51/2014/1);

(d) Strongly urging all armed groups to immediately and without preconditions release or disengage all children associated with them and end and prevent further recruitment and use of children, including re-recruitment and re-association of children who have formerly been released or disengaged;

(e) Expressing deep concern about the number of children killed or maimed as a direct or indirect result of hostilities between parties to the armed conflict and of incidents of indiscriminate attacks against the civilian population, and calling upon all parties to respect their obligations under international humanitarian law, and in particular the principles of distinction and proportionality enshrined therein;

(f) Calling upon all parties to the armed conflict to comply with applicable international law and to respect the civilian character of schools and hospitals, including their personnel, and to end and prevent attacks or threats of attacks against those institutions and their personnel, as well as the military use of schools and hospitals, in violation of applicable international law.

To the Government of the Philippines

(a) Welcoming the commitment by the Government to strengthen the protection of children affected by armed conflict and prioritize child protection in the national legal framework, in line with its obligations under international law;

(b) Noting the development of Department of National Defence circular No. 1, on child protection in armed conflict situations, dated 4 February 2016, and encouraging the armed forces to fully implement it and to ensure that it is in line with its obligations under international law;

(c) Commending the Government for its follow-up on the last conclusions of the Working Group on Children and Armed Conflict on the Philippines (S/AC.51/2014/1), emphasizing in this regard the importance of ensuring the accountability of those responsible for violations and abuses committed against children in the context of armed conflict.

To the leadership of the Moro Islamic Liberation Front

(a) Welcoming the continued engagement of the Moro Islamic Liberation Front to end and prevent the recruitment and use of children, and commending significant progress made towards the full implementation of the United Nations-Moro Islamic Liberation Front action plan, which has culminated in the formal disassociation of more than 1,850 children to date;

(b) Urging the Moro Islamic Liberation Front to continue disengaging children identified as being associated formally or informally with the Bangsamoro Islamic Armed Forces in all front and base commands, and calling upon the armed group to fully implement internal safeguards put in place to prevent the recruitment and use of children, linked to the implementation of existing accountability mechanisms;

(c) Further commending the Moro Islamic Liberation Front for having issued a directive on 25 March 2017 requiring regular monitoring and screening of armed elements, internal quarterly reporting by all front and base commands and the application of age-assessment guidelines during recruitment processes, and calling upon the Moro Islamic Liberation Front to fully implement internal safeguards preventing the association and re-association of children.

To the leadership of the Bangsamoro Islamic Freedom Fighters

(a) Expressing concern about reports of the recruitment and use of children, including as human shields, and of attacks against schools and hospitals in violation of applicable international law by the Bangsamoro Islamic Freedom Fighters;

(b) Urging the Bangsamoro Islamic Freedom Fighters to publicly express their commitment and take active steps to end all recruitment and use of children in violation of applicable international law and to prevent all other violations and abuses committed against children, including by entering into dialogue with the United Nations.

To the leadership of the New People's Army

(a) Welcoming the initiation of technical-level discussions between the National Democratic Front of the Philippines and the United Nations on the issue of protection of children affected by armed conflict, and calling upon the New People's Army to end and prevent all recruitment and use of children, killing and maiming of children and attacks on schools, in violation of applicable international law;

(b) Also welcoming the adoption by the National Democratic Front of the Philippines of its declaration and programme of action on the rights, protection and welfare of children in 2012, and urging the New People's Army to publicly express its commitment to end and prevent all violations and abuses committed against children and to expeditiously develop action plans in line with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015).

To the leadership of the Abu Sayyaf Group

(a) Calling upon the Abu Sayyaf Group to end and prevent all recruitment and use of children, killing and maiming and attacks on schools and hospitals in violation of applicable international law, and expressing concern about reports of abductions of children, including kidnapping for ransom and extortion;

(b) Urging the Abu Sayyaf Group to publicly express its commitment and take active steps to end and prevent all recruitment and use of children in violation of applicable international law and all other violations and abuses against children.

To community leaders in the Philippines

(a) Emphasizing the important role of community leaders in strengthening the protection of children affected by armed conflict and fostering reconciliation efforts;

(b) Urging them to publicly condemn and continue to advocate ending and preventing violations and abuses against children, in particular those involving the recruitment and use of children, rape and other forms of sexual violence against children, abductions, and attacks and threats of attacks against schools and hospitals, and to support the reintegration and rehabilitation of children affected by armed conflict in their communities, including by raising awareness to avoid stigmatization of such children.

Recommendations to the Security Council

6. The Working Group agreed to recommend that the President of the Security Council transmit a letter addressed to the Government of the Philippines:

(a) Welcoming the support of the Government in relation to the implementation of the United Nations-Moro Islamic Liberation Front action plan, and urging the Government to continue to support and facilitate dialogue between the United Nations and armed groups in order to end and prevent violations and abuses against children;

(b) Commending the steps taken by the Government to better protect children affected by armed conflict, including through the creation of the Inter-Agency Committee on Children in Armed Conflict and the monitoring, reporting and response system on children affected by armed conflict, and encouraging the Government to continue to use those mechanisms to provide appropriate assistance for all children affected by armed conflict, and ensure independent, prompt and thorough investigations into alleged violations and abuses committed against children in armed conflict so that all perpetrators are held to account;

(c) Welcoming the ongoing reinforcement of policies, directives and training regarding children affected by armed conflict, and encouraging the Government to continue its dialogue and cooperation with the United Nations to further strengthen the capacity of its armed forces to protect children and prevent violations in conflict-affected areas;

(d) Stressing the primary role of the Government of the Philippines in providing protection and relief to all children affected by armed conflict in the Philippines, and recognizing the importance of strengthening national capacities in that regard;

(e) Urging the Government to continue strengthening the national legal framework to protect children affected by armed conflict in accordance with its obligations under international law, including through accelerating the review and adoption of the law on children in situations of armed conflict, inter alia, ensuring that the law does not include provisions for the arrest, detention and/or prosecution of children solely for their association with armed groups, in violation of applicable international law, and providing for timely and appropriate programmes and services to facilitate the reintegration of children formerly associated with armed groups;

(f) Recalling the responsibility of the Government to ensure adherence to the principles of international humanitarian law and human rights law by all forces under its command, including the military, police and their auxiliary forces, requesting them to immediately end and prevent all violations and abuses against children;

(g) Expressing grave concern regarding the detention of children on national security-related charges, as well as the detention of children for information-gathering purposes, calling upon the Government to guarantee due process for all children detained for association with armed groups, recalling that children should be treated primarily as victims and that in all acts concerning children, the best interest of the child shall be a primary consideration, and urging the Government to comply with its obligations under the Convention on the Rights of the Child, in particular in respect of the deprivation of liberty for children, which should be used only as a measure of last resort and for the shortest appropriate period;

(h) Urging the Government of the Philippines to make all efforts to protect children through strict adherence to the principles of distinction and proportionality in the conduct of military operations;

(i) Expressing concern about the military use of schools in violation of international law and stressing the importance of access to education and health care for all children in the Philippines, and calling upon the Government to ensure that schools and related personnel are protected;

(j) Commending the Armed Forces of the Philippines for having issued letter directive No. 25 in July 2013 and circular No. 1, dated 4 February 2016, on child protection in armed conflict situations regarding guidelines on the conduct of activities in schools and hospitals, while noting concern that schools continue to be used for civil-military activities, in particular in remote areas.

7. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Secretary-General:

(a) Inviting him to ensure that the United Nations country task force on monitoring and reporting strengthens its monitoring and reporting activities regarding all violations and abuses committed against children in the armed conflict in the Philippines, including continuing to implement the principles of the action plan between the Moro Islamic Liberation Front and the United Nations in the Philippines signed on 1 August 2009;

(b) Requesting him to encourage the United Nations country task force on monitoring and reporting to renew its efforts to reach out to non-State armed groups, with a view to developing action plans to end and prevent the recruitment and use of children in violation of applicable international law and to address other violations and abuses against children in armed conflict in the Philippines.

Direct action by the Working Group

8. The Working Group agreed to send letters from the Chair of the Working Group addressed to the World Bank and other donors:

(a) Calling upon the World Bank and other donors to provide financial resources to support the work of the United Nations and national efforts to provide assistance to children affected by the armed conflict, including the development of life skills and vocational opportunities as foreseen in the United Nations-Moro Islamic Liberation Front action plan, and continuing their engagement with other armed groups on the issue of children and armed conflict;

(b) Underlining that international financial support will also be crucial to ensure that children disassociated from armed groups receive appropriate socioeconomic services, minimizing the risk of re-association;

(c) Inviting the World Bank and other donors to keep the Working Group informed on their funding and assistance efforts, as appropriate.

Annex

Statement by the Permanent Representative of the Philippines to the United Nations on the report of the Secretary-General on children and armed conflict in the Philippines, made at the 65th meeting of the Working Group on Children and Armed Conflict

Mr. Chair,

Thank you for this opportunity to address this Working Group to discuss the report of the Secretary-General on children and armed conflict in the Philippines, for the period from December 2012 to December 2016.

I wish to thank the honourable Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Virginia Gamba, whom I had the pleasure of meeting earlier this week.

I wish to further thank the Office of the Special Representative of the Secretary-General for Children and Armed Conflict for the transparent and collegial manner in which the report was prepared, which gave the Philippine Government the opportunity to comment on the draft. We appreciate the effort to achieve a fair and balanced reporting process.

Mr. Chair,

We share, to an even greater degree if that was possible, the profound concern of the United Nations for the safety of children in armed conflict. There is absolutely no excuse, no justification, no conceivable rationale for enlisting, let alone hurting, children in armed conflicts as armed groups tend to do. Children's very evident size and vulnerability make it impossible to believe that they are hurt inadvertently in a fight, or that they can be used deliberately to fight. Armed groups that have so used them are beneath contempt. That they have, of late, moderated their use and abuse of children merely underscores that the deplorable practice has finally touched, if not their conscience, then their self-interest to appear better in the eyes of the world.

The Philippines has suffered human, social and economic costs from decades-long armed conflicts waged by different armed groups. Finding a resolution to these conflicts and attaining peace remain at the core of my country's national security and development agenda. President Rodrigo Roa Duterte has advanced a Six-Point Peace and Development Agenda, which aims to bring about, one, new peace agreements consistent with human rights and our democratic constitution, along with the meaningful implementation of existing agreements and commitments with the various armed groups; two, a peace that promotes catch-up socioeconomic development in conflict areas; and, three, a culture of peace and conflict sensitivity. Once realized, this Agenda will positively impact the lives of children in armed conflicts.

Mr. Chair,

The Philippines is a State party to the Convention on the Rights of the Child. As such, it is committed to undertake the appropriate measures to enforce the rights recognized in the Convention and accompanying Optional Protocols for the protection of children from recruitment and use in armed conflict and from all forms of sexual abuse and exploitation, including rape by soldiers whose sworn duty is to protect them. That the incident in question is isolated does not diminish its repulsiveness. Armies are raised to win conflicts without inflicting abuses that create new ones. Towards this end, the Second National Action Plan for Children

was crafted to sustain existing and to identify new programmes and activities for the protection of children.

Since the last reporting period, the Philippines has gone further in institutionalizing mechanisms to prevent violations against children in armed conflicts.

One, there is the monitoring, response and reporting system for grave child rights violations, under the auspices of the Philippine Council for the Welfare of Children.

Two, there is the Inter-Agency Committee on Children in Armed Conflict, which coordinates with the United Nations Children's Fund (UNICEF) and its technical working group on the United Nations country task force on monitoring and reporting grave child rights violations in armed conflicts. The Committee reviews cases of alleged violations. These mechanisms are up and running as we speak, particularly in the ongoing resolution of the crisis in Marawi.

Three, the Philippine Government continues to strengthen its capacity to address and prevent the incidence of grave violations by training and empowering front-line service providers at the local government and community levels, with the participation of civil society in identifying, reporting and responding to incidents.

Four, the Armed Forces of the Philippines have started implementing a strategic plan drafted with UNICEF to better protect children in the course of military operations. The Armed Forces have since reached some of the benchmarks. Policy and mechanisms to respond better to child victims are being improved.

Mr. Chair,

In my meeting with Ms. Gamba earlier this week, she expressed her desire to maintain a continuous engagement between her Office and Member States on issues affecting children in armed conflicts. I welcome this initiative because it addresses two concerns that, in my experience, pose a challenge to achieving fair and balanced reporting on the part of the Special Representative, namely: the brevity of the time within which a Member State must provide comments on a draft report; although I am aware that the more time, the more excuses can be invented. And second, the lack of clarity and details of some cases cited in reports, which makes it difficult for the Governments concerned to validate them.

We have no need or desire to hide abuses. We want an army that fights to win conflicts, not to create new conflicts through abuses, especially of children. It is my hope that establishing and nurturing a relationship with the Office of the Special Representative will facilitate the issuance of timely, accurate and balanced reports and pave the way to stamping out violence against children in the wars that Member States still sadly wage to protect their people from enemies. Thank you.